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769-303 (ITW 13231)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Eric P. Plourde, Kevin P. Olechowski

Serial No.: 09/998,502

Filed: November 30, 2001

For: **VARIABLE ALIGNMENT ZIPPER FOR RECLOSABLE BAGS**

Art Unit: 3677

Examiner: Andre L. Jackson

Customer No. 51468

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REPLY BRIEF

Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

SIR:

In response to the Examiner's Answer of January 25, 2005, please consider the Remarks

which follow:

I hereby certify that this correspondence is being deposited
with the United States Postal Service as first class mail in
an envelope addressed: Commissioner of Patents and Trademarks,
P.O. Box 1450, Alexandria, VA 22313-1450 on March 25, 2005

Ronald E. Brown

Attorney



Signature

March 25, 2005

Date of Signature

The Commissioner is hereby authorized to charge any additional
fees which may be required, or credit any overpayment to
Account No. 50-1145, Order No. 769-303.

REMARKS

These remarks are offered in response to the Examiner's Answer of January 25, 2005.

Firstly, it should be emphasized that "Fig. 7B" of the Examiner's Answer is intended to show a modification to the prior art as envisioned by the Examiner, and should not be confused with an unmodified prior art document. It is further respectfully submitted that Figure 7B is the result of hindsight gained by review of the disclosure, which is clearly improper.

Secondly, Appellants reiterate that the bare sentence "Alternately, the first and second closure profiles 571, 572 may include any number of profiled elements" (Tomic reference, col. 8, lines 18-19) does not preclude the patentability of a later invention which uses a certain number of closure profiles to achieve an unexpected result.

Reversal of all of the rejections is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ronald E. Brown", with a stylized, sweeping flourish underneath.

Ronald E. Brown
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